

AMANDA SKINNER.

FEBRUARY 23, 1904.—Ordered to be printed.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 4540.]

The Committee on Pensions, to whom was referred the bill (H. R. 4540) granting a pension to Amanda Skinner, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted and the passage of the bill is recommended.

The House report is as follows:

The beneficiary, now 64 years of age, was married to John Skinner, who served as a private in Company C, First Florida Cavalry, from March 15, 1864, to May 19, 1865, when killed by the enemy at Hobdys Bridge, Alabama.

She applied for pension under the general law in 1869, but her claim was rejected in 1886 upon the ground that the soldier's death did not occur in line of duty, and this action was affirmed by Assistant Secretary Bussey in 1892.

It appears that the soldier secured permission to go home for three days to visit his family, and that on his way returning to his command he was killed by guerrillas on May 19, 1865.

The Interior Department, however, held, and quite uniformly, that when a soldier was absent from his command in pursuit of his own business or pleasure he assumed personally all responsibility for danger or accident; that from the moment of leaving his command under such conditions and until he again reported for duty he relieved the Government from responsibility and obligation for his personal safety and security and assumed the risk himself.

A claim under the act of June 27, 1890, was also rejected upon the ground that the soldier died in the service, and hence was not honorably discharged.

The soldier left surviving him at the time of his death two children, who were then under 16 years of age.

Proof filed in the Pension Bureau in 1897 shows that the beneficiary had not remarried since the soldier's death and that she was a woman of good moral character.

Her petition, filed with this committee, sets forth that she has no means of support and no property, except 65 acres of land, of the value of \$82, and some household furniture valued at \$25.

Congress has repeatedly held that death in the service, under the act of June 27, 1890, should be considered an honorable discharge, if such death was not due to a violation of the army regulations.

No violation of these regulations is shown in this case, the soldier having had permission to go to his home, and while returning to his command was killed by the enemy's guerrillas.

It having been shown that the beneficiary has not remarried since the soldier's death or violated the provisions of the act of August 7, 1882, since its passage, and that she has no property and is destitute, relief to the extent of **granting her a pension of \$8 per month** is warranted.

The passage of the bill is therefore recommended.

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